

## SECTION 1: INTRODUCTION

### 1.1 - Purpose and Authority of the EIR

#### 1.1.1 - Purpose and Authority

A previous Draft EIR for the Marina Park project was prepared and released for public review in February 2009. After considering public and agency comments on that draft, and in view of project modifications that have occurred since release of the Draft EIR, the City of Newport Beach decided to prepare and recirculate a new Draft EIR. This Draft Recirculated Environmental Impact Report (REIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation and development of Marina Park. The City of Newport Beach is the lead agency for the preparation of this REIR. This document is prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the City of Newport Beach Implementation Procedures for CEQA.

This Draft REIR is intended to serve as an informational document for the public agency decision-makers and the general public regarding the project's environmental impacts, project objectives, and components of the proposed project. This document addresses the potentially significant adverse environmental impacts that may be associated with the planning, construction, and operation of the project, as well as to identify appropriate and feasible mitigation measures and alternatives that may be adopted to significantly reduce or avoid these impacts. CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts
- Significant Unavoidable Adverse Impacts
- Alternatives to the Proposed Project
- Growth-Inducing Impacts
- Effects Found Not to be Significant
- Areas of Known Controversy

This Draft REIR has been prepared by Sirius Environmental, a consultant, under contract to the City of Newport Beach. Prior to public review, the REIR was reviewed and evaluated by the City of Newport Beach. This REIR reflects the independent judgment and analysis of the City of Newport Beach as required by CEQA.

The Marina Park EIR is considered a project-level EIR. The intent of this document is to analyze the environmental effects of the proposed project to the degree of specificity required by Section 15161 of the State CEQA Guidelines. Hence, it is anticipated that upon certification of this REIR, no additional environmental review will be required for the implementation of the Marina Park project. This REIR also considers a series of actions and approvals that are needed to achieve the development of the project (see Section 3.5). The lead agency, as well as other responsible agencies, can approve subsequent actions without additional environmental documentation unless otherwise required by Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162, 15163 and 15164. The actions involved in the implementation of the proposed project are described in Section 3, Project Description, of this REIR. Other agencies that may have discretionary approval over the project, or components thereof, are described in Section 3.5.

Environmental impacts may not always be mitigated to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with Section 15093(b) of the State CEQA Guidelines, if a public agency approves a project that has significant impacts that are not substantially avoided or lessened (i.e., significant unavoidable impacts), the agency shall state in writing the specific reasons to support its actions based on the Final EIR or other information in the record. A Statement of Overriding Considerations is required to be approved for any project with significant unavoidable impacts. The benefits to be derived from a project that outweigh any unavoidable adverse impacts of a project must be supported by substantial evidence in the record and should be included in the record of project approval. Additionally, a Statement of Overriding Considerations does not substitute for the Findings as required by Section 15091 of the CEQA Guidelines.

### **1.1.2 - Lead Agency Determination**

State CEQA Guidelines Section 15367 defines the lead agency as "... the public agency, which has the principal responsibility for carrying out or approving a project." Criteria considered in identifying the lead agency include whether the agency: 1) has the greatest responsibility for supervising or approving the project as a whole, 2) is an agency with general governmental powers, and 3) will act first on the project in question (refer to State CEQA Guidelines Section 15051). The lead agency for this REIR is the City of Newport Beach. As the lead agency, the City of Newport Beach has responsibility for review, adoption, and implementation of the project. It is the intent of the City to allow all public infrastructure improvements and all future development described within this document, that are within the parameters established within the framework of this REIR and have been sufficiently analyzed, to proceed without further environmental analysis.

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## **1.2 - Scope of the REIR**

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The scope of this REIR includes the environmental issues identified in the Initial Study (IS) and Notice of Preparation (NOP) issued by the City, comments obtained during a public scoping meeting, issues raised by agencies and the public in response to the IS/NOP, and responses to comments submitted during the circulation period of the previous Draft EIR. Based on these comments, a

determination was made that an EIR is required to address the potentially significant environmental effects of the Marina Park project. Accordingly, the following environmental issues are addressed in this EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Public Services
- Transportation/Traffic
- Utilities/Service Systems

The following environmental issues were determined to be not significantly affected by the proposed project based on the analysis contained within the IS/NOP (**Appendix A**) and, therefore, further analysis is not provided in this EIR, pursuant to Section 15063(c) of the State CEQA Guidelines (as amended):

**Agricultural Resources.** The project site is located within an urbanized area of Newport Beach. The project site contains no land that is considered to be suitable farmland. No agricultural activities occur on or adjacent to the site. Therefore, no impacts to agricultural resources would occur from project development.

**Mineral Resources.** The project site is developed with urban uses and is not utilized for the extraction of mineral resources. According to the California Department of Conservation, Division of Mines and Geology, the site is not located within a significant mineral resource zone. Therefore, no impacts to mineral resources would result from project development.

**Population and Housing.** The proposed project would generate employment associated with the public facilities; however, that increase would be nominal compared to the approximate 48,000-person labor force within the City of Newport Beach. Given the relatively small number of jobs generated by the proposed project, it is not anticipated that such employment would directly or indirectly induce substantial population growth in the project area that would require new housing or extension of roads or other infrastructure. The proposed project would also result in the removal of 57 mobile homes, 15 of which are occupied full-time and the remainder part-time. These units are a non-conforming use because the site of the mobile homes is designated for Park and Recreation. Furthermore, the Housing Element does not identify the project site as a potential candidate to provide housing. Accordingly, the mobile home units are not considered part of the City's future housing stock in the City's Housing Element and their removal would not result in a substantial effect on the City's existing or future housing supply. A Relocation Impact Study has been prepared in compliance with the State's Mobile Home Residency law. Implementation of the proposed project would result in less-than-significant impacts on population and housing.

**Recreation.** The proposed project would not result in an increase in the residential population in the project area; thus, it would not create a demand for recreational services or facilities. The proposed project would include new and expanded versions of all existing recreation facilities now found within the existing site, as well as new marina and boating programs facilities, and would thus have a beneficial effect in meeting the City's identified need for additional recreational facilities. Therefore, no adverse impacts on recreational resources would occur from project development.

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### 1.3 - Organization of the REIR

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The REIR is organized into the following main sections:

- **Section 2: Executive Summary.** This section includes a summary of the Marina Park project and alternatives to be addressed in the EIR. A brief description of the areas of controversy and issues to be resolved and an overview of the mitigation monitoring program, in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also presented.
- **Section 3: Project Description.** This section includes a detailed description of the proposed project, including its location, site, and project characteristics. A discussion of the project objectives and a description of the alternatives to the proposed project are also provided.
- **Section 4: Environmental Setting.** This section describes the environmental setting of the project and lists the projects in the general project area that could contribute cumulative impacts.
- **Section 5: Existing Conditions, Thresholds of Significance, Project Impacts, Cumulative Impacts, Mitigation Measures, and Level of Significance After Mitigation.** This section analyzes the environmental impacts of the proposed project. Impacts are organized into the major topic areas listed in Section 1.2. Each topic area includes a description of the environmental setting, significance criteria, project and cumulative impacts, mitigation measures, and level of significance after mitigation.
- **Section 6: Alternatives to the Proposed Project.** This section compares the impacts of the proposed project with three alternatives, including the No Project/No Development Alternative, the Reduced Marina Alternative, and the No Marina Alternative. Among these three alternatives, an environmentally superior alternative is identified.
- **Section 7: Other CEQA Considerations.** This section provides a summary of significant environmental impacts, including unavoidable, irreversible, and growth-inducing impacts.
- **Section 8: Comments and Responses, Draft EIR.** This section presents the comments that were received during the review period for the Draft EIR and the City's draft responses to those comments.

- **Section 9: Report Authors and Consultants: Persons and Organizations Consulted.** This section identifies the Lead Agency and consultants who contributed to the preparation of the EIR; it also provides a list of the organizations and persons consulted while preparing this Draft Recirculated Environmental Impact Report.
- **Section 10: References.** This section provides the list of documents cited in the body of this Draft REIR.

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#### **1.4 - Documents Incorporated by Reference**

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The Draft REIR uses information from various documents (reports, technical studies, etc.) that were not prepared specifically for the Marina Park project but that provide relevant information in describing environmental conditions and analyzing the potential environmental effects of the proposed project. As allowed by Section 15150 of the State CEQA Guidelines, all or portions of another document may be incorporated by reference into an EIR without the requirement of reproducing the entire source document. Information taken from these documents is identified in the relevant environmental impact analysis sections of the Draft REIR. These documents are also listed in Section 10 of this document. As required by Section 15150(b) of the State CEQA Guidelines, documents incorporated by reference are available for public inspection at City hall, Planning Department, 3300 Newport Boulevard. For purposes of clarification, documents identified as incorporated by reference are separate from the technical studies prepared specifically for the Marina Park project. The technical studies prepared specifically for the Marina Park project are identified in Section 1.5 below.

The following documents are hereby identified as being incorporated by reference:

- The Draft Environmental Impact Report for Marina Resort & Community Plan.
- The General Plan Environmental Impact Report for the City of Newport Beach.
- The Draft Environmental Impact Report for the Marina Park Project.

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#### **1.5 - Technical Studies Prepared for the Project**

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Each of the following technical studies prepared specifically for the Marina Park Redevelopment Project are contained in the Technical Appendices of the Draft REIR.

- Visual Simulations
- Marine Biological Impact Assessment
- Terrestrial Biological Letter
- Draft Delineation of Jurisdictional Waters and Wetlands
- Cultural Resources Assessment
- Geotechnical Investigation
- Coastal Engineering Report

- Hazardous Materials Records Review
- Preliminary Water Quality Management Plan
- Traffic and Parking Study
- Parking Management Recommendations Study

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## 1.6 - Review of the Draft REIR

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This Draft REIR is being distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft REIR in accordance with Public Resources Code 21092(b)(3). The Notice of Completion of the Draft REIR is also being distributed as required by CEQA. During the 45-day public review period, the Draft REIR, including the technical appendices, is available for review at the following locations:

- City of Newport Beach Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92663
- City of Newport Beach Libraries
  - Central Library  
1000 Avocado Avenue  
Newport Beach, CA 92660
  - Mariners Branch  
1300 Irvine Avenue  
Newport Beach, CA 92660
  - Balboa Branch  
100 E. Balboa Blvd  
Newport Beach, CA 92661

Written comments on the Draft REIR should be addressed to:

City of Newport Beach  
Planning Department  
Rosalinh Ung, Associate Planner  
3300 Newport Beach Boulevard  
Newport Beach, CA 92658-8915  
[Rung@city.newport-beach.ca.us](mailto:Rung@city.newport-beach.ca.us)  
Fax: 949-644-3229

Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be prepared and made available for review at least 10 days prior to the public hearing before the City of Newport Beach City Council, at which the certification of the Final REIR will be considered. These environmental comments and their responses will be included as part of the environmental record for consideration by decision-makers prior to taking action on the proposed project.